

State of California
Regional Water Quality Control Board
San Diego Region

SUPPLEMENTAL
EXECUTIVE OFFICER SUMMARY REPORT
November 9, 2005

ITEM: 10

SUBJECT: Clean Water Act section 401 Water Quality Certification and Waiver of Waste Discharge Requirements: Greystone Homes, Sky Ranch project in Santee, San Diego County. (Tentative Certification No. 05C-127).
(*Michael Porter*)

SUPPLEMENTAL MATERIALS: The following information supplements the Executive Officer Summary Report to provide a response to the joint comment letter from Mr. Van K. Collinsworth, Preserve Wild Santee and Mr. David Hogan, Center for Biological Diversity and provide a copy of the comment letter from Greystone Homes.

SUPPORTING DOCUMENTS:

1. October 28, 2005 Comment letter from Preserve Wild Santee and the Center for Biological Diversity.
2. November 3, 2005 letter in response to October 28, 2005 comment letter from Preserve Wild Santee and the Center for Biological Diversity.
3. November 3, 2005 Comment letter from Greystone Homes.

Supporting Document No. 1

October 28, 2005 Comment letter from Preserve Wild Santee and the
Center for Biological Diversity.

California Regional Water Quality Control Board
San Diego - Region 9
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

October 28, 2005

RE: 401 Permit Application for the Sky Ranch Subdivision in Santee, Agenda Item #10

Dear Regional Board,

We would like to reiterate our opposition to the application of Greystone Homes for a 401 permit due to inadequate avoidance of and mitigation for impacts to ephemeral streams on Rattlesnake Mountain.

The project has not met the requirements of California Environmental Quality Act, the Natural Communities Conservation Planning Program, the Endangered Species Act, nor the Santee General Plan (please also reference details found in our letter to the Board dated September 12, 2005). Compliance with Sections 402 and 404 of the Clean Water Act is also a concern.

We are aware that proposed mitigation has been increased to a 3:1 ratio, however the impact has not been avoided to the maximum extent practicable. Since the project footprint was decided prior to CEQA, there has not been alternatives analysis for avoidance of impacts to the drainage on the southwestern face of the mountain. For example, why can't homes be moved to another location that does not impact ephemeral streams and endangered species? Biological resource maps document California Gnatcatcher, San Diego Horned Lizard, Northern Harrier, etc., in the drainage at issue.

"...urbanization results in a dramatic increase in the volume, velocity, and especially in the pollutant load carried by storm water-runoff to receiving waters... These pollutants severely degrade the beneficial uses of surface waters, and threaten the health of both humans and aquatic organisms."ⁱ Forrester Creek and the San Diego River are impaired water bodies that will be impacted by Sky Ranch urbanization and its failure to avoid the ephemeral drainage on the southwestern face of Rattlesnake Mountain.

Homes can and should be relocated or reduced in number to avoid impact to this ephemeral drainage. The underlying zoning for the Sky Ranch area of Rattlesnake Mountain is Hillside Limited (0-1 dwelling-unit per gross acre).ⁱⁱ The HL designation allows only 96 unitsⁱⁱⁱ on site and has governed since Santee adopted its first General Plan. The recent General Plan update placed a Planned Development overlay that allows for an increase in density *only if* specific conditions are met. **The project has failed to do the comprehensive planning required to be granted a nearly fourfold density increase.** Specific General Plan and Overlay requirements that have failed to be met are:

"Compliance with adopted City programs and policies including the City's **Multiple Species Conservation Program Subarea Plan and Implementing Agreement**.^{iv}

"1. Development of this area shall be consistent with adopted Santee SubArea Plan and Implementing Agreement"

"3. Single family development **shall** include the following:
20,000 sq. ft. lots – **minimum 30% of the total lots...**"^v

A MSCP Subarea Plan has not been adopted, an implementing agreement does not exist and the project has failed to comply with the PD Overlay's minimum lot requirement. Neither is the project consistent with policies of the Conservation Element.^{vi}

No permit should be issued until the Subarea Plan is completed, approved and an Implementing Agreement is adopted.

We are also concerned about the off-site mitigation proposed. It is inappropriate for *permanent* environmental losses from development projects to be used as revenue sources to repair on going edge effect damage that degrades natural resources under management by the City. Santee should have a complete MSCP Subarea Plan that includes mechanisms for the long-term management and maintenance needed in City open space parks.

The .42-acre mitigation site identified within Mast Park is mapped as being split between "Southern Riparian Forest" and "Disturbed Habitat." The restoration plan does not specifically describe the type of disturbance, deficiency of the habitat or how the Sky-Ranch assigned mitigation site will be restored. There is only a general description of plans for the three-project mitigation area. Without specific details, we cannot assess whether there will be any genuine restoration or whether it can be successful. Furthermore, the entire "Mast Park Wetland Restoration Plan" fails to acknowledge the significant problem of transient/homeless camps within the park or other sources of degradation. Without acknowledging this significant problem, there is not any way to avoid or control the ongoing damage to wetland areas targeted for restoration. How would mitigation be monitored for effectiveness?

In summary, we believe that avoidance of and mitigation for impacts of the Sky Ranch project is inadequate; that natural resource laws protecting the public have been circumvented, and that the developer should be required to fulfill the letter of the law prior to obtaining a 401 permit. Requiring avoidance of the ephemeral drainage on the southwestern face of Rattlesnake Mountain and completion of Santee's MSCP Subarea Plan and as a condition of 401 certification would demonstrate that proposing a higher mitigation ratio is not an acceptable substitute for avoidance and planning in Santee.

Thank you for your consideration,

/s/
Van K. Collinsworth
Executive Director/Resource Analyst
Preserve Wild Santee
9222 Lake Canyon Road
Santee, CA 92071

/s/
David Hogan
Urban Wildlands Program Director
Center for Biological Diversity
P.O. Box 7745
San Diego, CA 92167

ⁱ "Water Quality Control Plan for the San Diego Basin (9), page 70.

ⁱⁱ Land Use Element of the Santee General Plan, page 1-25, CD 42. (Emphasis added)

HL – Hillside Limited Residential (0-1 dwelling units/gross acre)

This designation is intended for residential development in areas that exhibit steep slopes, rugged topography and limited access. Residential uses are characterized by rural large estate lots, with significant permanent open space area, consistent with the constraints of slope gradient, soil and geotechnical hazards, access, availability of public services, biological resources and other environmental concerns. **This designation has primarily been applied in the steeply sloped extreme southwest and northeast portions of the City.**

iii "City of Santee Hillside Protection Initiative," The Lightfoot Planning Group, November 5, 2004, page 3.

iv Land Use Element of the Santee General Plan, page 1-24, CD 41. (Emphasis added)

In the Hillside Overlay District, the density determination would be tied to the average natural slope of the site. **Approval of a density higher than the minimum of the range is a discretionary action and is a function of a combination of criteria including that listed below:**

- Compliance with specific goals, objectives and policies of the General Plan which provide for avoidance of hazards while maximizing public safety and achievement of high quality site planning and design.
- No adverse impact on existing public facilities such as roadways, emergency services, schools and sewers.
- *Consideration of on-site environmental constraints such as proximity to the floodplain, steep slopes, slope instability, significant landforms and significant vegetation and or sensitive species.*
- Compliance with adopted City programs and policies including the City's **Multiple Species Conservation Program Subarea Plan and Implementing Agreement.**
- Provision of on-site amenities that will contribute to the livability of the project and enhance the community character.
- Analysis of the opportunities and constraints presented by natural and socio-cultural features.
- Application of policies and implementation measures in the General Plan which provide for avoidance of hazards, maximizing public safety and achievement of high quality site planning and design.
- Application of appropriate provisions of the City's Zoning Ordinance and / or applicable Specific or Master Development Plan.

Project approval at any density is subject to obtaining all requested agency approvals.

v Land Use Element of the Santee General Plan, page 1-32, CD 49. (Emphasis added)

Rattlesnake Mountain Planned Development Overlay - The following represents the required development guidelines for the Planned Development Overlay for the portion of Rattlesnake Mountain identified in Figure 1-6. These guidelines are *only in effect if the properties identified in Figure 1-6 are comprehensively planned, entitled, and developed.* If any or all of these properties are individually planned, entitled, and developed, then the development of those properties shall be consistent with the underlying zone.

1. Development of this area shall be consistent with adopted **Santee SubArea Plan and Implementing Agreement**

2. The plan shall include a comprehensive public trail system

3. Single family development **shall** include the following:

20,000 sq. ft. lots – **minimum 30% of the total lots**

Santee Director of Development Services, Mr. Douglas Williford stated at public hearing June 8, 2005 that only one of five lots in the category met the 20,000 square foot requirement and that lot averaging was used to obtain consistency with the overlay requirement. No provision exists within the General Plan to allow lot averaging to substitute for the 30% minimum 20,000 sq. ft. lot requirement.

Also consider the Land Use Element of the Santee General Plan, page 1-29, CD 46 and policies within the Conservation Element of the Santee General Plan. (Emphasis added)

8.2 Areas for Special Study

The following development guidelines for the Fanita Ranch **Rattlesnake Mountain** and Carlton Oaks Planned Development (PD) **designations on the Land Use Plan provide a framework to assure that these unique and significant areas will be developed and preserved with:**

1. Standards of quality for community appearance and function;
2. Compatibility of development of land and structures that ensures public health, safety and welfare; and
3. **Policies that minimize grading, preserve significant biological resources, preserve ridgelines and view corridors, and provide for recreational amenities.**

^{vi} Conservation Element of the Santee General Plan, page 6-2, CD 229. (Emphasis added)
“In 1985, the City adopted a Hillside Overlay District, which covers hillside properties in the City. The purpose of this district is to **minimize grading and landform alteration, protect significant biological resources, protect watersheds and drainages**, and to ensure development blends with the environment to the maximum extent feasible.”

Conservation Element of the Santee General Plan, page 6-18, CD 249. (Emphasis added)
Biological and Cultural Resources - Within the City of Santee, there are a number of identified significant and potentially significant biological and cultural resources as shown on Figures 6-2 and 6-3. In order to ensure their consideration and preservation where appropriate, biological and cultural resources surveys need to be required as development is proposed. Mitigation for cultural resources should be required consistent with the California Environmental Quality Act and mitigation measures proposed in accordance with the significance of the identified impact. **All development proposals impacting biological resources should be consistent with the provisions of the City’s future Multiple Species Conservation Program Subarea Plan and Implementing Agreement, and applicable State and Federal Regulations.**

7.0 Objectives and Policies

Objective 1.0 Protect areas of unique topography or environmental significance to the greatest extent possible.

Policy 1.1 The City shall encourage significant natural landforms to be maintained during development whenever possible.

Conservation Element of the Santee General Plan, page 6-19, CD 250. (Emphasis added)

Policy 1.2 The City should encourage, **through the environmental review process, the preservation of hillsides with steep slopes as appropriate to minimize danger from landslides and mudslides, as well as to protect key visual resources.**

Policy 1.3 To protect and wisely manage hillsides and topographic resources, the City shall use the following hillside development guidelines:

Percent Natural Slope

10% - 19.9%

Development with grading will occur in this zone, but existing **landforms should retain their natural character**. Padded building sites are permitted on these slopes, but contour grading, split level architectural prototypes, with stacking and clustering are expected.

20% and over

Special hillside grading, architectural and site design techniques are expected, and architectural prototypes should **conform to the natural landform**. Compact development plans should be used to minimize grading footprints.

Conservation Element of the Santee General Plan, page 6-21, CD 250. (Emphasis added)

Objective 7.0 Preserve significant biological resources.

Policy 7.1 The City shall encourage the preservation and enhancement of significant biological resources in areas designated as permanent open space.

Policy 7.2 The City shall require that all development proposals provide appropriate mitigation for identified significant biological resources including selective preservation, sensitive site planning techniques and in-kind mitigation for identified impacts.

Policy 7.3 The City shall require that, for all development proposals involving the setting aside of land for permanent open space either on-site or off-site, provisions are in place to ensure the long term management of the open space and biological resources.

Policy 7.4 **The City shall complete an Multiple Species Conservation Program Subarea plan that conserves a minimum of 2,600 acres in the City as permanent open space for preservation of habitats and species.**

Objective 9.0 Reduce pollutants in urban runoff and stormwater discharges.

Policy 9.1 The City **shall use careful planning and review to identify and eliminate urban runoff problems before development is approved.**

Conservation Element of the Santee General Plan, page 6-22, CD 251. (Emphasis added)

Objective 10.0 Preserve significant natural resources, such as mineral deposits, biological resources, watercourses, groundwater, hills, canyons, and major rock outcroppings, as part of a Citywide open space system.

Policy 10.1 The City should encourage the conservation of rare or unique plants and wildlife by identifying such resources through the environmental review process and by using open space preservation, where appropriate, to preserve the resources as a condition of a project approval, consistent with the City's future Multiple Species Conservation Program Subarea Plan.

Policy 10.2 The City should encourage the preservation of significant natural features, such as watercourses, ridgelines, steep canyons, and major rock outcroppings through the Development Review process.

Conservation Element of the Santee General Plan, page 6-25, CD 256. (Emphasis added)

8.4 Local Regulations

(1) The City is currently preparing its Multiple Species Conservation Program Subarea Plan which will identify those areas of the City which will be conserved as permanent open space for preservation of habitats and species. This plan will balance development with species conservation, will specify where future development is expected to occur, and will identify mitigation ratios for replacement of habitat areas impacted through the development process. This plan is being prepared in close consultation with the State Department of Fish and Game and the United States Fish and Wildlife Service and will require their approval. Implementation of the approved plan will be carried out by the City in accordance with the Subarea Plan Implementing Agreement.

Conservation Element of the Santee General Plan, page 6-26, CD 257. (Emphasis added)

8.5 Other Implementation Measures

- (1) The City shall conserve the quality of existing water resources** through careful management of lands that are adjacent or tributary to water resource areas.
- (2) The City shall review projects to ensure that storm water runoff is controlled in a manner that will minimize water degradation, safeguard biological resources, protect human and environmental health, and reduce the impacts of erosion and sedimentation into local water bodies.**
- (3) The City shall use the environmental review process to identify, conserve and enhance unique natural, biological and cultural resources, to ensure the preservation of significant natural resources and features, to regulate and condition development within areas susceptible to natural hazards and to ensure the preservation of significant biological resources, historical resources or archaeological sites.**
- (4) The City shall continue the existing program for acquiring and developing park land as provided for in the City's Park Lands Dedication Ordinance.**
- (5) When appropriate, the City shall encourage the granting of perpetual Open Space Easements in order to preserve cultural, archaeological, or natural resources.**
- (6) The City shall utilize the environmental and Development Review process to ensure that grading practices used within the City minimize potential safety hazards while maintaining aesthetic qualities and natural landforms.**

Supporting Document No. 2

November 3, 2005 letter in response to October 28, 2005 comment letter from
Preserve Wild Santee and the Center for Biological Diversity.



California Regional Water Quality Control Board

San Diego Region



Alan C. Lloyd, Ph.D.
Secretary for
Environmental
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
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November 3, 2005

In reply refer to:
WPS:18-2004127.02:portm

Mr. Van K. Collinsworth,
Executive Director
Preserve Wild Santee
9222 Lake Canyon Road
Santee, CA 92071

Mr. David Hogan,
Urban Wildlands Program Director
Center for Biological Diversity
P.O. Box 7745
San Diego, CA 92167

Subject Site: Sky Ranch, Santee

**RE: RESPONSE TO COMMENTS FROM CENTER FOR BIOLOGICAL DIVERSITY
AND PRESERVE WILD SANTEE ON 401 PERMIT APPLICATION FOR THE
SKY RANCH SUBDIVISION IN SANTEE, AGENDA ITEM #10**

Dear Mr. Collinsworth and Mr. Hogan,

The Regional Board received your comment letter dated October 28, 2005, on November 1, 2005 regarding the planned Regional Board action on Greystone Homes application (04C-127) for Clean Water Act section 401 Water Quality Certification for the Sky Ranch project. The following provides a discussion of your comments. Based on the assessment of your comments, no changes to the tentative Certification will be recommended.

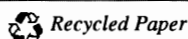
Comment 1:

"The project has not met the requirements of the California Environmental Quality Act (CEQA), the Natural Communities Conservation Planning Program, the Endangered Species Act, nor the Santee General Plan."

Response:

The Regional Board does not specifically review CEQA documents for compliance with the Act. The Regional Board, as a Responsible Agency under CEQA, reviews the project proponent's application package for water quality impacts, and if those impacts are deemed significant, the Regional Board requires mitigation through the water quality certification / waste discharge

California Environmental Protection Agency



requirements process. Typically, the mitigation required by the Regional Board is more substantial than what is typically proposed in CEQA documents.

The Regional Board does not enforce, regulate or opine on the Natural Communities Conservation Planning Program, the Endangered Species Act, nor the Santee General Plan. The Regional Board regulates the water quality and beneficial uses for rare species where listed in the Regional Board's Basin Plan. However, beneficial uses of water quality for "Rare" species is not listed for these ephemeral creeks which are in Hydrologic Unit Basin No. 7.12.

Comment 2:

"[Project] Compliance with Sections 402 and 404 of the Clean Water Act is also a concern."

Response:

The Regional Board has been delegated authority to enforce and regulate Clean Water Act section 402 (NPDES). Generally, this proposed project will be regulated under the San Diego County Municipal Storm Water Permit (NPDES No. CAS0108758) for post-construction conditions and, specifically, the State-wide General Storm Water Construction Permit (NPDES No. CAS000002) during the construction phase.

The U.S. Army Corps of Engineers is in charge of regulating section 404 of the Clean Water Act.

Comment 3:

"[With respect to avoidance,] why can't homes be moved to another location that that does not impact ephemeral streams...?"

Response:

The Regional Board, along with other resource agencies, is required to analyze the proposed impacts in the following order of concern: avoidance, minimization, and mitigation. The Regional Board asked Greystone Homes if the project could be built with avoidance of the ephemeral streams. Greystone Homes stated that the project would not be economically feasible to avoid all the ephemeral streams, and further, the avoidance of 0.07 acre of onsite ephemeral streams was the most feasible. Given that, the Regional Board requested additional mitigation for the unavoidable impacts, now proposed at a ratio of 3:1. After offsite mitigation is deemed successful by all the resource agencies, there will be a net increase of waters of the U.S. and State of 0.14 acre in the San Diego River watershed.

Comment 4:

“Forester Creek and the San Diego River are impaired water bodies that will be impacted by Sky Ranch urbanization [urban runoff]...”

Response:

The post-construction urban runoff will be regulated by the San Diego County Municipal Storm Water Permit and the Clean Water Act section 401 Water Quality Certification conditions. The City of Santee is responsible for implementing the San Diego County Municipal Storm Water Permit within their jurisdiction and, to date, the City of Santee has implemented this permit very well as shown by audits performed by the U.S. Environmental Protection Agency.

Greystone Homes have proposed, and will be required by the Clean Water Act section 401 Water Quality Certification conditions, to implement structural and non-structural Best Management Practices (BMPs) to capture and treat urban runoff to the maximum extent practicable. These include:

Site Design BMPs:

(1) Controlling peak runoff rates; (2) Minimizing impervious area; (3) Conserving natural areas; (4) Protecting slopes and channels; and (5) Minimizing effective impervious area through use of turf buffers and grass-lined channels..

Source Control BMPs:

(1) Education of homeowners regarding landscaping, pet waste, swimming pool maintenance, and (2) inlet stenciling.

Treatment Control BMPs: (1) Seventeen curb inlet filters; (2) Six hydrodynamic separators; and (3) Two vegetated water quality treatment and extended detention basins.

It is the Regional Board’s assessment that if the proposed BMPs are properly implemented and maintained, the urban runoff from the proposed Sky Ranch development will not further impair Forester Creek or the San Diego River.

Comment 5:

“The restoration plan does not specifically describe the type of disturbance, deficiency of habitat or how the Sky-Ranch assigned mitigation site will be restored. How would mitigation be monitored for effectiveness?”

Response:

The September 20, 2005 Wetland Habitat Restoration Plan is a typical plan that Regional Board, the U.S. Army Corps, the California Department of Fish and Games, and the U.S. Fish and Wildlife Service rely on for compensatory mitigation. The Plan contains sufficient information to allow the Regional Board and the other agencies to establish compensatory mitigation for those impacts.

The Plan contains sections on Mitigation Monitoring and Final Success Criteria. These sections are adequate and have been used at numerous other mitigation sites where mitigation was eventually deemed successful by the Regional Board and other agencies.

Finally, the Regional Board has proposed 10 conditions in the tentative Water Quality Certification 04C-127 to ensure mitigation maintenance, monitoring, success criteria, and reporting. They are:

1. Mitigation for the proposed 0.14 acre permanent impact of upland, ephemeral, unvegetated streams (waters of the U.S. and State), shall be achieved at a 3:1 ratio, by the creation of 0.29 acre and enhancement of 0.14 acre of riparian scrub adjacent to and in the floodplain of the San Diego River in Santee. The proposed mitigation, monitoring and maintenance is described in the Mast Park Mitigation Plan (September 20, 2005) and the Amended Application (September 21, 2005). Both documents were prepared by HELIX Environmental Planning and shall be implemented as described.
2. Maintenance plan and success criteria: The Greystone Homes, Inc., Lennar Corporation shall monitor and maintain the mitigation areas until success criteria is met as outlined in the Mitigation Plan.
3. Within 90 days of the issuance of this certification, Greystone Homes, Inc., Lennar Corporation, shall provide a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. The conservation easement or other legal limitation on the mitigation property shall be adequate to demonstrate that the site will be maintained without future development or encroachment on the site or which could otherwise reduce the functions and values of the site for the variety of beneficial uses of waters of the U.S. that it supports. The conservation easement or other appropriate legal limitation shall prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland functions and values of the site. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, paved maintenance roads, and areas of maintained landscaping for recreation. The Greystone Homes, Inc., Lennar Corporation, shall submit proof of a completed preservation mechanism within one year of issuance of this certification.
4. Greystone Homes, Inc., Lennar Corporation, shall submit a report (including topography maps and planting locations) to the Regional Board within 90 days of completion of mitigation site preparation and planting, describing as-built status of the mitigation project. If the site grading and planting are not completed within six weeks of each other, separate reports will be submitted describing those specific as-built conditions.

5. The construction of proposed mitigation shall be completed within the same calendar year as impacts occur, or at least no later than 9 months following the close of the calendar year in which impacts first occur (e.g., if impacts occur in June 2003, construction of mitigation for all impacts must be completed no later than September 2004). Delays in implementing mitigation shall result in an increased mitigation ratio by 1.0 acre for each acre of impact for each year, or part thereof, of delay.
6. Mitigation areas shall be maintained free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species shall not occupy more than 5 percent of the onsite or offsite mitigation areas.
7. If at any time during the implementation and establishment of the mitigation area(s), and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation area, Greystone Homes, Inc., Lennar Corporation, shall be responsible for repair and replanting of the damaged area(s).
8. Mitigation monitoring reports shall be submitted annually until mitigation has been deemed successful. Monitoring reports shall be submitted no later than 30 days following the end of the monitoring period. Monitoring reports shall include, but not be limited to, the following:
 - a) Names, qualifications, and affiliations of the persons contributing to the report;
 - b) Tables presenting the raw data collected in the field as well as analyses of the physical and biological data;
 - c) Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
 - d) Photodocumentation from established reference points;
 - e) Survey report documenting boundaries of mitigation area; and
 - f) Other items specified in the draft and final Wetland and Riparian Mitigation and Monitoring Plan.
9. For the purpose of determining mitigation credit for the removal of exotic/invasive plant species, only the actual area occupied by exotic/invasive plant species shall be quantified to comply with mitigation requirements
10. For purposes of this certification, creation is defined as the creation of vegetated or unvegetated waters of the U.S. where they have never been documented or known to occur (e.g., conversion of nonnative grassland to freshwater marsh). Restoration is defined as the creation of waters of the U.S. where they previously occurred (e.g., removal of fill material to restore a drainage). Enhancement is defined as modifying existing waters of the U.S. to enhance functions and values (e.g., removal of exotic plant species from jurisdictional areas and replacing with native species).

Center for Biological Diversity,
Preserve Wild Santee
Response to comments

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November 3, 2005

Questions pertaining to this letter should be directed to Mike Porter at 858-467-2726 and mporter@waterboards.ca.gov. Written correspondence pertaining to this letter should be directed to the following address:

Michael P. McCann
Supervising Water Resource Control Engineer
Attn: Mike Porter (18-2004127.02)
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340



Michael P. McCann
Supervising Water Resource Control Engineer

Copy: John J. Lormon, Partner
Procopio Cory Hargreaves & Savitch LLP.
530 B Street, Suite 2100
San Diego, CA 92101-4496

Attachment: October 28, 2005 Comment Letter from Center for Biological Diversity and Preserve Wild Santee on 401 Permit Application for the Sky Ranch Subdivision in Santee, Agenda Item #10

Supporting Document No. 3

November 3, 2005 Comment letter from Greystone Homes.



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November 3, 2005

VIA FACSIMILE

Chairman John Minan
and Members of the California Regional Water
Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Re: Regional Water Quality Control Board Hearing
November 9, 2005 Agenda Item 10, Greystone Sky Ranch 401 Certification

Dear Chairman Minan and Members of the Board:

This letter is being sent on behalf of Greystone Homes, Inc., Sky Ranch Project in the City of Santee, California to specifically address a project opposition letter sent to the Regional Board on October 28, 2005 by representatives of the Center for Biological Diversity and Save Wild Santee.

The opposition letter raises issues which are not relevant to the pending 401 water quality certification jurisdiction of this Board. The issues raised in that letter include the following: the California Environmental Quality Act ("CEQA"), the Natural Communities Conservation Planning Act, the Endangered Species Act, and the City of Santee General and Specific Plans. Those objections have been raised in other forums, including in a lawsuit, by these same parties. We request that this Board only entertain issues relevant to the 401 certification approval process. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "John J. Lormon".

John J. Lormon

JJL/mkk

cc: Mr. John H. Robertus
Mr. Michael Porter
John Richards, Esq.
Ms. Lori Costa
Mr. Peter Fagrell

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